IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE

AND SPECIAL EXCEPTION - N/S Lathe Road,

E of Watts Road at Dolfield Road * ZONING COMMISSIONER

(4613 Lathe Road)

2nd Election District * OF BALTIMORE COUNTY

3rd Councilmanic District

* Case No. 96-38-SPHX

Baltimore County, Maryland, Owner;

American PCS, L.P., Contract Lessee - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 4613 Lathe Road, located in the vicinity of Lyons Mill Road in Owings Mills. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., by Margaret C. Ruggieri, Esquire, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property and a special hearing to approve an amendment to the special exception relief granted in Case No. 93-427-X to permit the addition of this wireless transmitting and receiving facility on the existing tower. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-



McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

At the onset of the hearing, Counsel for the Petitioners withdrew their Petition for Special Hearing and indicated they wished to proceed only on the request for special exception relief.

In the site specific request by APC for the subject site, there was no specific opposition, although testimony was generally received in opposition to the request from J. A. Mann, who resides in Randallstown, and Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County. In addition, Julius W. Lichter, Esquire, appeared on behalf of an adjoining property owner.

The subject Petition for Special Exception is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the Lathe Road site, which is also referred to as the Red Run site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 400 feet in height and is located on land zoned D.R. 10.5. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Owings Mills area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered

ORDER RECEIVED FOR FILING
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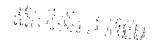
by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5C) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyscape of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Red Run location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

As noted above, Julius W. Lichter, Esquire, appeared on behalf of an adjoining property owner, Lyons Mill Partnership. Apparently, access to the subject site is available to Baltimore County through his client's property; however, his client was unwilling to allow access to the site by APC. The Petitioner has agreed not to access the subject property through



the community of Lyons Mill and assured Mr. Lichter that there would be no adverse impact upon his client's property by virtue of the proposed use.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the requested special exception should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27 day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the special exception relief granted in Case No. 93-427-X to permit the addition of this wireless transmitting and receiving facility on the existing tower, in accordance with Petitioner's Exhibit 1A, be and is hereby DISMISSED.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

October 27, 1995

(410) 887-4386

G. Scott Barhight, Esquire Christine K. McSherry, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
N/S Lathe Road, E of Watts Road at Dolfield Road
(4613 Lathe Road)
2nd Election District - 3rd Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-38-SPHX

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Special Hearing have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further, information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

Margaret C. Ruggieri, Esquire, American PCS, L.P. One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Julius W. Lichter, Esquire, Levin & Gann, 305 W. Chesapeake Ave., Saite 113, Towson, Md. 21204

People's Counsel; Case File

Helica II. Mill



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at	4613 Lathe Road	
-38-5PHX	which is presently zoned	D.R.10.5
- 28 - 24 11 x	which is presently zones ===	

This Petition shall be flied with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Pu	irchaser/Lessee:	Legal Owner(s):
	Margaret C. Ruggieri, Esq. for	
	American PCS, L.P.	Baltimore County, Maryland
(Type or Pri		(Type or Print Name)
VY YY	resport (Dugger / Smm	TTU
Signatulië	One Democracy Center	Signature
	6901 Rockledge Drive	Direct of the Budget
Address		(Type or Print Name)
	Bethesda, MD 20817	
City	State Zipcode	Signature
Attorney for	r Pelitioners	401 Bosley Avenue
August 101		Address Phone No.
(Type or Pri	G. Scott Barhight, Esq.	Towson, MD 21286
	•	Name, Address and phone number of legal owner, contract purchaser, or
<u></u> (3-	Scott Barhight/CMS	representative to be contacted. G. Scott Barhight, Esq.
Signature	Whiteford, Taylor, & Preston	Name
	210 W. Pennsylvania Avenue	210 W. Pennsylvania Avenue
	Phone No.	Address Towson, MD 21204 832-2000 No.
Address	Towson, MD 21204 (410) 832-2000	OFFICE USE ONLY
City	State Zipcode	
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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	4613 Lathe Road	
38-5RHX	which is presently zoned	D.R.10.5
00-01111		

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An Amendment to the Special Exception granted in Case No. 93-427-X. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Margaret C. Ruggieri, Esq. for	
American PCS, L.P.	Baltimore County, Maryland
(Type or Print Name)	(Type or Print Name)
Marcaret C. Luciusi lamon	770
One Democracy Center	Signature
6901 Rockledge Drive	Onest 9the Buryat
Address	(Type or Print Name)
Bethesda, MD 20817	
City State Zipcode	Signature
Only State Episods	4.8/15
	401 Bosley Avenue
Attorney for Petitioner:	Address Phone No.
G. Scott Barhight, Esq.	Towson, MD 21286
(Type or Print Name)	City State Zipcook Name, Address and phone number of representative to be contacted.
115	Ingline, Addition and printed intelligent of representative to the solutions.
G. Scott Barniaht Chimos	G. Scott Barhight, Esq.
Signature Whiteford, Taylor, & Preston	Name 210 W. Pennsylvania Avenue
210 W. Pennsylvania Avenue Address Phone No.	Address Towson, MD 21204 832-2000 No.
Towson, MD 21204 (410) 832-2000	•
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING unavailable for Hearing
DOP - DEF Notice Administration	the following datesNext Two Months
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No REVIEW "	REVIEWED BY: DATE
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1126172 VK	



7/26/95 KCR

Description

To Accompany Petition for

96-38-5PHX

Special Exception and Special Hearing

0.77 Acre Parcel

Part of the Lands of Baltimore County

4613 Lathe Road

Second Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Dolfield Road with the centerline of Watts Road (1) South 64 degrees 32 minutes 35 seconds East 3029 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 37650 feet, more or less, and west 54695 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running the four following courses and distances, viz; (1) Due East 224.00 feet, (2) Due South 150.00 feet, (3) Due West 224.00 feet, (4) Due North 150.00 feet to the point of the beginning; containing 0.77 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE,
July 21, 1995

Project No. 94123.69



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 96-38-5PHX Towsen, Maryland

District	Date of Posting 128/95
Posted for:	
Petitioner: Balta Co.	
Location of property: 1143 Latino Rd	2500' Natyons Miller
Location of property: H.63 Latho Rd LathoRd is not intonsected with by	ion M. YI Rd. duy To boilding of oreas
Location of Signas Pas & Call Sign Nos &	osto L wrong on 8/18-06/oin od sign
am posted on property at 461	3 Lathord.
Remarks:	
Posted by	Date of return: 9/1/85
Number of Signe:	· · · · · · · · · · · · · · · · · · ·

ZONING DEPARTMENT OF BALTIMORE COUNTY 96-38-5P6X CENTIFICATE OF POSTING

Towers, Maryland

District_ & L Date of Posting 8/19/95 Posted for: Special Kerring + FX Coption Petitioner: Balta Co. Md. Location of property: 1613 LaThe Ed. No ores completed Location of Signe fosted at and of Lyon Hourt Ding leading Toward Latho Rd, Posted by Date of return: 5/25/95 Number of Signs: /

HOT OF CHAPLARING # 2

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore. County will-hold a public hearing on the property identified herein. In Room 106 of the County Office Building 111 W. Chesapeake Avenue in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows. 21204 as follows:

Case: #96-38-SPHX (Item 30) 4613 Lathe Road Nend Lathe Road, 2500' N of Lyons Mill Road; also l000' SE of Lakeside Drive 2nd Election District

rd Councilmanic

igal Owner Baltimore County Mary-

LAWRENCE E SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Hand(-capped Accessible, for special ac-commodations. Please Call

d87-3353/ (2)For information concern-ing the File and/or Hearing, Please

CERTIFICATE OF PUBLICATION

TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on Lucy

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

BALTIMORE **DUNTY, MARYLAND** OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

154302

ITEM #36

Drop-Off; No Review 7/26/95 001-6150 ACCOUNT DATE. 620.00 (WCR) American PCS, L.P. RECEIVED FROM:-#050 - SPECAIL EXCEPTION FOR: 4613 Lathe Road **\$620.00** 01A01W0425MTCHRC

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government Department of Permits and Licenses



111 West Chesapeake Avenue Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-38-SPHX (Item 36)

4613 Lathe Road

N/end Lathe Road, 2500' N of Lyons Mill Road; also 1000' SE of Lakeside Drive

2nd Election District - 3rd Councilmanic Legal Owner: Baltimore County Maryland

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing to amend the special exception granted in case #93-427-X. Special Exception for a wireless transmitting and receiving facility.

Arnold Jablon

Director

Department of Permits and Development Management

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERM

AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

3ALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOFTINS PLAZA
91H FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

8/23/98

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

August 22, 1995



HAND DELIVERED

Mereen E. Kelly Administrative Officer Baltimore County Courthouse 400 Washington Avenue Towson, Maryland 21204

RE:

Lease between Baltimore County and
American Personal Communications
Petition for Special Hearing and Special Exceptions
Case No.: 96-38-SPHX

Dear Ms. Kelly:

Please be advised that this office represents Lyons Mill Partnership in opposing the approval of the requested relief in the case captioned above. The County and American Personal Communications are seeking to utilize the County's 911 Tower for the private purposes of American Personal Communications.

The plans filed in this case clearly reflect that the proposed access to the 911 Tower site is through property of my client Lyons Mill Partnership or Lathe Road as shown on exhibits attached to the aforementioned Petition.

As to access through my client's property, there exists an easement for the benefit of Baltimore County which is restricted to vehicles owned and operated by Baltimore County or its agents. I enclose a copy of the Deed of Easement and Agreement dated October 5, 1993 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10060 folio 709 for your quick reference (See Page 2.).

The easement was granted for the specific purpose of providing access to the 911 Tower and not for private use. I believe that American Personal Communications is not an agent of Baltimore County and is a private - for profit organization not entitled to the benefit of the use of the easement granted by my clients.

Baltimore County, last year, attempted to enter into an agreement with RAM Mobile Data

Merreen E. Kelly August 22, 1995 Page Two

USA Ltd. for the private use of the same tower which we vigorously opposed and they have since sought not to pursue the use of the tower. In this case (93-427-X), Baltimore County basically ignored the terms and provisions of the aforesaid Easement Agreement. Baltimore County cannot enter into an agreement for the private use of the easement. The restrictions must be honored. Should Baltimore County or the proposed lessee desire to use the easement, they should contact me. Mr. Barhight, attorney for the proposed lessee, is well aware of the rights of my clients.

As to the Lathe Road access to the 911 Tower site, there is no such connection existing as it has been eliminated by action of the Corps of Engineers and the stream has been restored by my client persuant to the requirements of the Corps of Engineers.

My clients are willing to discuss the possibility of granting access via the easement under terms and conditions that can be agreed upon between the County, the Lessee and themselves. Please call me to discuss this matter further.

Sincerely,

JWL/ch

cc: Lyons Mill Partnership Arnold Jablon, OPDM

RECENVED AUG 23 1995

A Francis

00361338835 01 53834

LIBERIODGO PAGE 709

RW 93-283-1,-2,-3,-4 J.O. "O" Item 1 (E)

THIS DEED OF EASEMENT AND AGREEMENT, Made this 5+h day of

October , in the year 1993, between LYONS MILL PARTNERSHIP, a General Partnership organized under the laws of the State of Maryland, hereinafter called "Partnership", party of the first part; and CHARLES CRANE, Mortgagee, party of the second part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter called "Baltimore County", party of the third part.

WHEREAS, Baltimore County is the owner of a tract of land in Baltimore County, Maryland, described in Exhibit "A", attached hereto and made a part hereof, on which it operates an emergency communication system from an Antenna Communication Tower known as the Red Run Tower Site - Remote Site No. 8 located on the Antenna Site (the "Antenna"), and

WHEREAS, the Partnership is the owner of the tract of land in Baltimore County, Maryland known as Cascades Overlook Subdivision as recorded among the Plat Records of Baltimore County in Plat Book S.M. 64, folio 126 (the "Property") on which it will construct and operate apartment and condominium residences, and

WHEREAS, The Partnership desires to grant unto Baltimore County a certain easement for certain purposes as more fully set forth below on the terms and conditions herein set forth.

NOW, THEREFORE, THIS DEED OF EASEMENT AND AGREEMENT WITNESSETH that in consideration of the mutual promises and covenants herein contained the Partnership grants and conveys unto Baltimore County, its successors and assigns, an access easement of ingress and egress containing 1.5514 acres (67,579.67 sq. ft.), more or less, across the Property from the entrance on

RECEIVED AUG 23 1995

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HOT ALLELIANDESIGNATURE AND DATE 10/2/4

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State Department of
Assessments & Taxation
for Baltimore Coam?

N. K. 10/7/9

By Date

LIRER I DOGO PAGE 710

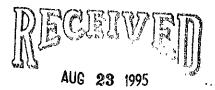
Lakeside Boulevard and Lathe Road to the Antenna for the use and purpose above stated as shown on Baltimore County Division of Real Estate Drawings Nos. RW 93-283-1, RW 93-283-2, RW 93-283-3, and RW 93-283-4, which are attached hereto and made a part hereof.

BEING a part of the property acquired by Lyons Mill Partnership by a Deed dated March 10, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9139, folio 272.

THE aforesaid Property being subject to a Mortgage dated November 1, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9765, folio 567.

TO HAVE AND TO HOLD an easement over the above Property unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, for ingress and egrees over the aforesaid Property from Lakeside Boulevard and Lathe Road to the Antenna Site, subject, however, to the following restrictive covenants agreed to by the parties hereto and binding upon their respective heirs, personal representatives, successors and assigns, as follows:

1. It is the intention of the parties that there be no right of public thoroughfare for vehicular traffic from the Property through the Antenna property and vehicular traffic will be limited to vehicles owned and operated by Baltimore County or its agents. Baltimore County covenants and agrees to use its best efforts to prevent the creation and/or use of the Property for purposes of establishing and/or maintaining any such thoroughfare.





LIBERTOOGO PAGE711

- 2. To the extent permitted in the Local Government Tort Claims Act by Sections 5-401 through 5-404 of the Courts and Judicial Proceedings Article (1981), Baltimore County, Maryland, on behalf of itself, their respective successors, assigns, and licensees, agrees to indemnify, protect and hold harmless the Partnership, its successors and assigns from and against any and all costs, liability, suits and expenses in respect of any and all loss of life, property, injury or damages to persons or property of any person, firm or corporation (including the parties hereto, their respective officers, agents, contractors, employees and licensees) and from and against any and all claims, demands and actions in respect to such loss, injury or damages caused by or growing out of this Easement, provided said costs, liability, suits, expenses, claims, demands and/or actions were caused by the negligence of Baltimore County, their respective successors, assigns and licensees, their respective officers, agents, employees, contractors or licensees.
- 3. The Partnership agrees to maintain the Easement Area in good condition and repair, keep same reasonably free of trash and debris and cause the removal of snow therefrom within a reasonable time after accumulation of snow at no cost to Baltimore County.
- 4. It is the intention of the parties that this Agreement and the covenants herein contained run with the respective and heretofore described tracts of land owned by the parties, and bind them and their respective heirs, personal representatives, successors and assigns, for the benefit of the other party and its heirs, personal representatives, successors and assigns, forever.



ZADM

LIBERIOOGO PAGE712

THE said party of the second part joins in this conveyance solely for the purpose of consenting to and subordinating his lien of Mortgage to the hereinbefore described easement and for that purpose only, fully retaining his lien on the property described in his Mortgage.

AS WITNESS the due execution hereof by the aforesaid parties of the first, second and third parts.

TEST:	LYONS MILL PARTNERSHIP
Birliara a KH	BY (SEAL)
1 / A	BY: Pharles have (SEAL)
C Like	Charles Crane, Partner
(A) year	Charles Crane, Mortgagee (SEAL)
M. R.	BALTIMORE COUNTY, MARYLAND
11 pur /achen	Roger B. Hayden (SEAL)
	County Executive

STATE OF MARYLAND, BALTIMORE

, to wit:

I HEREBY CERTIFY that on this 29th day of Deptember, in the year 1993, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared HOWARD S. BROWN, Partner of LYONS MILL PARTNERSHIP, and he acknowledged the foregoing Deed of Easement and Agreement to be the act of said partnership.

AS WITNESS my Hand and Notarial Seal.

PATRICIA STEPP NOTARY LUBUC STATE OF MARYLAND My Commission Expires July 11, 1994

Notary Public

AUG 23 1995

ZADM

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STATE OF HARYLAND; BALTIMORE	to wit:
Maryland, in and for the	a Notary Public of the State of aforesaid, personally appeared CHARLES IP, and he acknowledged the foregoing he act of said partnership.
	Notary Public
STATE OF MARYLAND, BALTIMORE	, to wit:
year 1993, before me, the subscriber, Maryland, in and for the	29th day of Auptentien, in the a Notary Public of the State of aforesaid, personally appeared CHARLES the foregoing Deed of Easement and
AS WITNESS MY Hand and Notarial Se NOTARY PUBLIC STATE OF MARYLAND My Commission Expires July 11, 1994	12 1
STATE OF MARYLAND, BALTIMORE COUNTY, to	wit:
I HEREBY CERTIFY, that on this year 1993, before me, the subscriber, Maryland, in and for the COUNTY B. HAYDEN, County Executive, and he Easement and Agreement to be the act of	a Notary Public of the State of aforesaid, personally appeared ROGER acknowledged the foregoing wheel of
AS WITNESS my hand and Notarial Se JULA M. HARREIL NOTARY PUBLIC STATE OF MARYLAND My Commission Expires January 16, 1996	Notary Public
APPROVED as to form and legal sufficienthis day of the 199 Shirley M. Murphy, Special Assistant to County Attorney	3.
i/	
THIS IS TO CERTIFY that the wi supervision of the Title Examination Su to practice before the Court of Appeals	thin instrument was prepared under the pervisor who is an attorney admitted of Maryland.
	Title Examination Supervisor

ZA DO M

AUG 23 1995

9/24/93

-5-

DFM: em/mmw

LIBER 5 7 O 8 PASEO D B

EXHIBIT

12-R--188 Code No. J. O. District:

THIS DEED, Made this 12 de day of august year Mineteen Hundred and Seventy-six, by and between BOARD OF EDUCATION OF BALTIMORE COUNTY, a body corporate of the State of Haryland, party of the first part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, party of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said BALTIMORE COUNTY, MARYLAND, a body corporate and politic, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows in accordance with a description prepared by Dollenberg Brothers, Registered Engineers on July 17, 1974, that is to say:

Beginning for the first thereof at a stone marked "2" heretofore set at the beginning of the ninth or North 58 degrees 10 minutes ho seconds West 383.1k foot line of a parcel of land which by an Inquisition dated June h 197h and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr., No. 5651, folio 895 was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and running thence with and binding on the ninth and tenth lines and on a part of the eleventh line of said parcel of land the three following courses and distances viz: North 58 degrees 10 minutes h0 seconds West 383.1h feet to the center of Dolfield Road, North 58 degrees 10 minutes h0 seconds West 1h7 feet to a flint stone and South 27 degrees 30 minutes 56 seconds West 366.60 feet, thence leaving said outline and running for lines of division the two following courses and distances viz: South 60 degrees 16 minutes East 1250.42 feet and North 29 degrees 45 minutes 50 seconds East 346.60 feet to intersect the eighth line of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and thence running with and binding on a part of said eighth line North 60 degrees 14 minutes 10 seconds west 735 feet to the place of beginning.

Containing 10.128 Acres of land more or less.

Beginning for the second thereof at a stone marked "4" heretofore set at the beginning of a parcel of land which by an Inquisition dated June 1, 1971 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5451, folio 895 was acquired by the Board of Education of Baltimore County, Maryland from Edith Natts and running thence with and binding on the first to fourth lines inclusive of said parcel of land the four following courses and distances viz: North 77 degrees 52 minutes 10 seconds East 316.10 feet TRANSFER TAX NOT REQUIRED

Walter R. Richardson

-1-

Authorized Signature Pan 11-30-A

AUG 23 1995

ZADA

USER 5 7 0 8 PAGEO 0 9

to a post, North 6 degrees 31 minutes 16 seconds East 912.59 feet to a black stone, North 6 degrees 52 minutes 16 seconds East 165.62 feet to a concrete monument and North 76 degrees 32 minutes 10 seconds East 806.12 feet to a concrete monument set within the 66 foot electrical transmission line right of way as set forth in a deed of Right of Way from William Roes and wife to the Consolidated Gas and Electric Light and Power Company of Baltimore dated November 1, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 662 folio 31, thence binding within said right of way and running with and binding on the fifth line of the first hereinmentioned parcel of land, North 1 degrees 16 minutes 20 seconds West 183.12 feet to stone "P", thence running with and binding on the sixth and seventh lines of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts, the two following courses and distances viz: North 71 degrees 07 minutes 30 seconds West 265.65 feet to stone "h" and South 76 degrees 51 minutes West 512.31 feet to a concrete monument, thence leaving said outlines and running for a line of division South 66 degrees il minutes 05 seconds West 1555.22 feet to a concrete monument set at the end of the seventh line of a parcel of land which by an Inquisition dated June h, 197h and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5151 folio 901 was acquired by the Board of Education of Baltimore County, Maryland from Marguerite A. Watts, thence binding reversaly on the seventh, sixth and fifth lines of said parcel of land the three following courses and distances viz: South 39 degrees 22 minutes 24 seconds West 201.90 feet to a pipe, South 39 degrees 22 minutes 24 seconds West 201.90 feet to the beginning of the last line of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and thence running with and binding on said last line South 5

Containing L1.800 Acres of land more or less.

Subject to a 66 foot right of way for an electrical transmission line which was acquired by the Consolidated Cas, Electric Light and Power Company of Baltimore from William Roes and wife by a deed dated November 1, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 662 folio 34.

Being a part of the property acquired by the Board of Education of Baltimore County by the following Inquisitions viz:

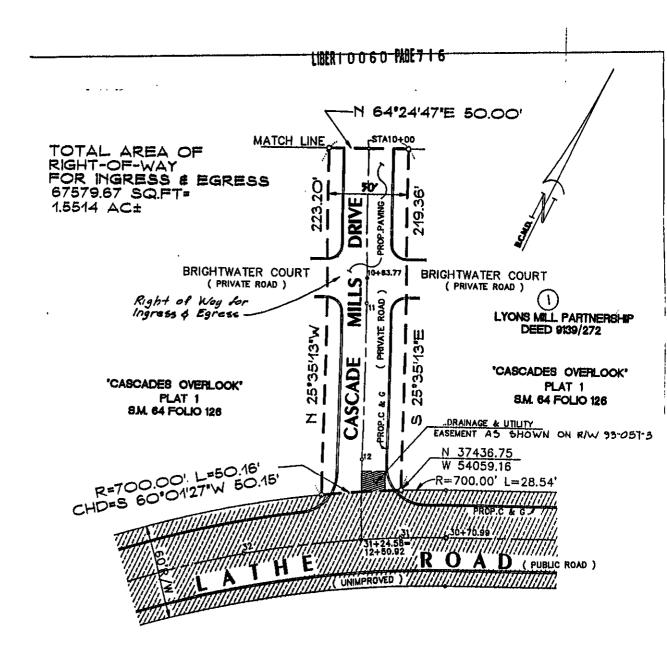
- 1. Inquisition dated June is, 197k and recorded among the land records of Baltimore County in Liber E.H.K. Jr., No. 5451, folio 895 from Edith Watts.
- 2. Inquisition dated June 4, 1974 and recorded among the aforesaid land records in Liber E.H.K. Jr., No. 5451, folio 901 from Marguerite A. Watte.

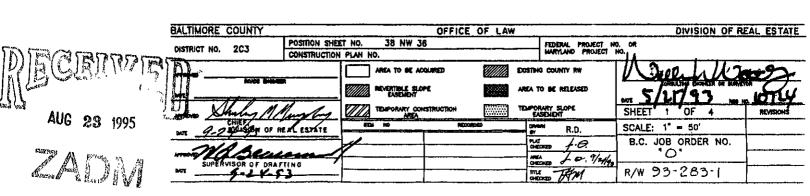
TOOSTHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, waters, ways, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

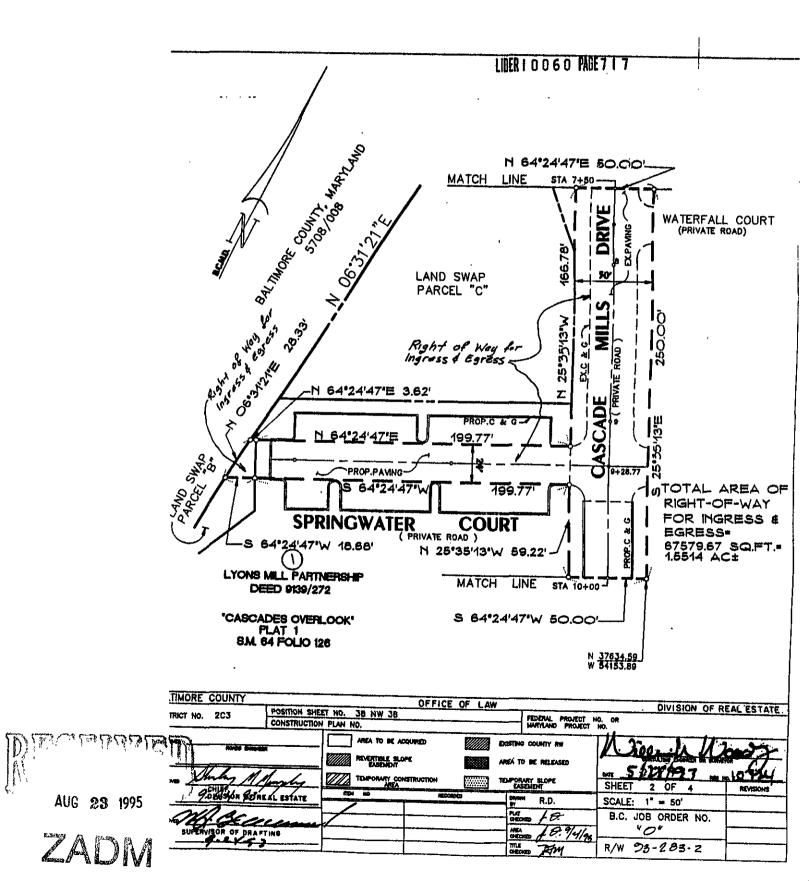
TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Baltimore County, Maryland, a body corporate and politic, its successors and assigns, in fee simple, SUBJECT, HOWEVER, to the following restrictions which shall be covenents running with the land:

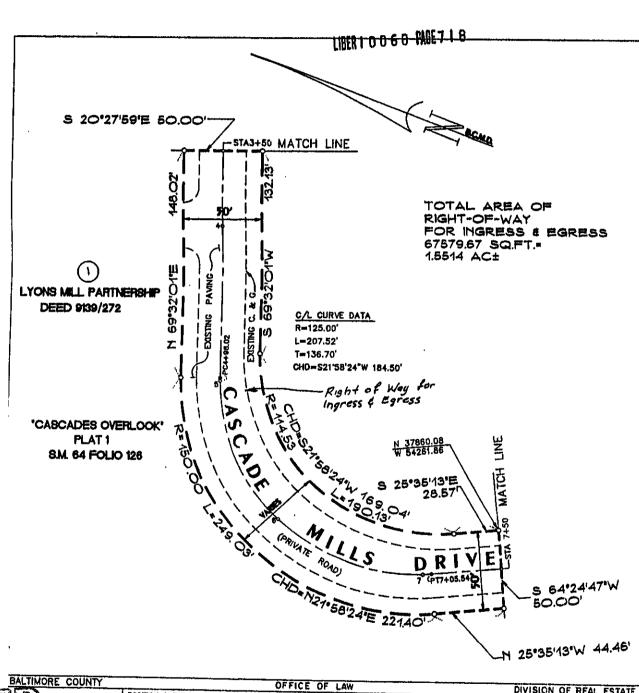
AUG 23 1995











OFFICE OF LAW DIVISION OF REAL ESTATE POSITION SHEET NO. 38 NW 36 FEDERAL PROJECT NO. CONSTRUCTION PLAN NO. AREA TO BE ACQUIRED AREA TO BE RELEASED </2<u>1/93</u> AUG 23 1995 TEMPORARY SLOPE EASEMENT OF BY OF REAL ENTATE SCALE: 1" = 50' B.C. JOB ORDER NO. 10 100 10.9/4/90 R/W 93-283-3

LINER 1 0 0 6 0 PANET 1 9 TOTAL AREA OF RIGHT-OF-WAY R=967.55' FOR INGRESS & EGRESS L=68.01' 67579.67 SQ.FT.= 1.5514 AC± CASCADE MILS -Right of Way for Ingress & Egress C/L CURVE DATA R=140.00 L=137.95' T=75.16' Δ=56'27'17" CHD=\$4178'16"W 132,43" 'CASCADES OVERLOOK' PLAT 1 S.M. 64 FOLIO 126 BALTIMORE COUNTY. MARYLAND N 20°27'59'W MATCH LINE 5708/008 5000 LYONS MILL PARTNERSHIP DEED 9139/272

BALTIMORE COUNTY	OFFICE OF LAW	. DIVISION OF REAL ESTATE.
- 1 1/3 (1 1/2/3/ 1/2/3) 1 1/2/3/ 1/2/3/ 1 1/2/3/3/13/14/14 NO. 2(1/3 1/2/3/	ION SHEET NO. TRUCTION PLAN NO. 38 NW 38	FEDERAL PROJECT NO. OR MARYLAND PROJECT NO.
MACON BANGES		TO BE RELEASED SEA OF SALES
AUG 28 1995 MARION SOLL EN STATE OF NEAL EN		RAPY SLOPE SHEET 4 OF 4 REVISIONS R.D. SCALE: 1" = 50'
DUTE SUPERVISOR OF DRAFTING	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	B.C. JOB ORDER NO. ***C** **C** **R/W 23-283-4*

Item #1

Baltimore County, Maryland Land Instrument Intake Sheet

(Type or print in black ink only-all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, \$33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, \$12-101 through 12-113, as amended, and Tax-Property Article, \$13-101 through 13-408, as amended, it is certified that an instrument of writing dated conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows: Property Tax ID Lot/Block Map/Grid/Parcel No. Description Prior Deed Ref 9139/272 Lot Acreage VAIL LOG **Property** ДΠ #25507 COO2 ROZ TO7:35 (Check box(es) for Item(e) to be indexed 10/08/93 in land records) 1.5514 ac (67,579.67 aq fe) £ Transferred From Grantee(s) (] check box | fadditional sheets are attached)
Baltimore County, Maryland Transferred Tο Deed 4 Type Assignment of Mtg/DOT Financing Statement Deed of Trust Contract Other (Specify) of Mortgage Land Installment Cont. ENGENE NT Instrument Lease Power of Attorney 5 Exemptions Baltimore County Exempt Status Claimed: Recordation Tax Exempt Status Claimed: 33-139 (a)(1) (Cite authority or explain TO GOVERNMENT briefly) State Exempt Status Claimed: 6 Consideration Amount County Taxes to be Paid Purchase Price/Consideration Consideration Transfer Tax Consideration (including any new mortgage) and Tax Real Property x = 1.6% =Calculations Personal Property Make check payable to Balance of Assumed Mortgage Office of Finance Use Only Baltimore County, MD Other (410) 887-2416 **Total Consideration** C.B. Credit Ag. Tax/Other: or Assessed Factor 7 Recordation Fees Special Recording Instructions (if any) Recording Charges Fees and Recording State Transfer Tax Instructions County Recordation Tax Make check payable to Surcharge Clerk of the Circuit Court Other (410) 887-2650 Total 8 Instrument Prepared By Return Instrument To Office of Law Mailing Address for Tax Bill Office of Law Name: Name: Name: Contact/Mail Firm: Div of Real Estate Div of Real Estate Information 111 W. Cheasapeake Address Address: 111 W. Chesapeake Address: Old Courthouse Towson, MD 21204 Towson, MD 21204 Towson, MD Phone: 887-3284 21204 9 I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge Certification and bellef. Signature : BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER 10 Assessment IMPORTANT: Information Yes Will grantee be living at property conveyed? (410) 321-2299 Yes Is grantor currently receiving a homeowners' tax credit? No Yes No Is property conveyed subject to agricultural transfer tax? If yes, enter amount: Yes No If agricultural assessment on conveyance is to continue, have you attached a letter of intent? RANSFER Yes No Partial conveyance? If yes, amount of acreage transferred: List improvements conveyed: If subdivision occurred after July 1, indicate former property tax ID number: Optional Expediting Information A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time. TAX NOT REQUIRED 01 Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: ☐ No Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): Location and improvement address: 23 Assessment Use Only - Do Not Write Below This Line ē Terminal Verification Deed Plotter Agricultural Verification **Deed Reference** Tran. Process Verifica Assigned Property No Part Distribution: White - Clerk's Office 1 Canary - Office of Finance 1 Pink - SDAT 1 Goldentod - Preparer AOC CC-100

PLEASE PRINT CLEARLY

4613 LATHE RD, CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Julios W. LIGHTER	305 W. CHESAPPAKE AUE Swill
Ethelm CARTER	9820 Clauford Rd 21183

Environmental Impact Statement

Red Run American PCS Site

August 1995 Project No. 94123.69

Prepared for: American PCS, L.P. One Democracy Center Suite 600 6901 Rockledge Drive Bethesda, MD 20817



Prepared by:
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire Whiteford, Taylor & Preston 210 W. Pennsylviania Avenue Towson, Maryland 21204

RE: Item No.: 36

Case No.: 96-38-SPHX

Petitioner: American Personal Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

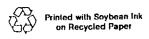
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Wince Carl Richards

WCR/jw
Attachment(s)

MICROFILMEL





David L. Winstead Secretary Hal Kassoff Administrator

MENDELLED ...

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No. 036 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

BS/es

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Zoning Administration and Development Management DATE: August 8, 1995

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Can L. lens

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:28,30,31,32,33,34,35,35,37,38,39,41 AND 42.

 $, \nu$

MICROFILMEL

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

DECEIVED

AUG 1 1 1995

ZADM

cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: August 14, 1995 Arnold Jablon, Director TO: Zoning Administration and Development Management

FROM: PRobert W. Bowling, P.E., Chief Development Plans Review

RE:

Zoning Advisory Committee Meeting for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036

041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB: sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Virginia W. Barnhart, County Attorney

Office of Law

Arnold Jablon, Director

Permits & Development Management

FROM:

Fred Homan

Office of the Budget

DATE:

August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

- 1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
- A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

Virginia Barnhart & Arnold Jablon Leasing Tower Sites August 9, 1995 Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc. 7825 Tuckerman Lane Potomac, MD 20854 (301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers 5263 Argo Drive Frederick, MD 21701 (301) 874-5885

- The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Wolfer B. J. James

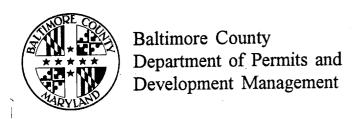
Virginia Barnhart & Arnold Jablon Leasing Tower Sites August 9, 1995 Page 3

Please understand that in citing the aforementioned requirements, this office is <u>not</u> approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH: nav

c: Merreen E. Kelly
w. Michael Pitcher



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3353 Fax: (410) 887-5708

August 25, 1995

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

RE: Case No. 96-38-SPHX

Dear Mr. Lichter:

I am in receipt of a copy of your letter to Mitchell J. Kellman, dated August 22, 1995, in which you, on behalf of your client, oppose the request for special exception filed in Case No. 96-38-SPHX.

Please be advised that the issue you refer to is not a county issue and the county declines to enter into a debate with you on this point.

I would suggest you contact counsel for the applicant, APC, and enter into a formal discussion on the merits of your argument with counsel.

The case will be heard by the zoning commissioner, and, of course, you will have the opportunity to present your contentions at that time. The issue of access is one that is arguable between parties other than the county.

Sincerely,

ARNOLD JABLON

ablande

Director

AJ:ljb

c: Merreen E. Kelly G. Scott Barhight Mitchell J. Kellman

MICROFILMED

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

August 8, 1995

G. Scott Barhight, Esquire Whiteford, Taylor, and Preston 210 West Pennsylvania Avenue Towson, MD 21204

RE: Preliminary Petition Review (Item #36)

Legal Owner: Baltimore County, Maryland

4613 Lathe Road 2nd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The petition filed meets the general checklist requirements; however, Section 502.7.C of the <u>Baltimore County Zoning Regulations</u> has not been addressed. The site is limited to the required 5 acre minimum and setbacks of twice the tower height. Also, the special exception was terminated, yet the site plan shows an existing tower. This should be clarified on the plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman

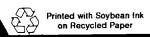
Planner II

Zoning Review

Enclosure (receipt)

c: Zoning Commissioner

William III



American PCS, L.P., Contract Lessee - Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 4613 Lathe Road, located in the vicinity of Lyons Mill Road in Owings Mills. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., by Margaret C. Ruggieri, Esquire, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property and a special hearing to approve an amendment to the special exception relief granted in Case No. 93-427-X to permit the addition of this wireless transmitting and receiving facility on the existing tower. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with DaftMcCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

At the onset of the hearing, Counsel for the Petitioners withdrew their Petition for Special Hearing and indicated they wished to proceed only on the request for special exception relief.

In the site specific request by APC for the subject site, there was no specific opposition, although testimony was generally received in opposition to the request from J. A. Mann, who resides in Randallstown, and Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County. In addition, Julius W. Lichter, Esquire, appeared on behalf of an adjoining property owner.

The subject Petition for Special Exception is another in a series of Petitions recently considered by this Zoning Commissioner on pehalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and

- 2-

unbroken line of communication. At the bathe Road site, which is also referred to as the Red Run site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 400 feet in height and is located on land zoned D.R. 10.5. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Owings Mills area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5C) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyscape of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Red Run location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

As noted above, Julius W. Lichter, Esquire, appeared on behalf of an adjoining property owner, Lyons Mill Partnership. Apparently, access to the subject site is available to Baltimore County through his client's property; however, his client was unwilling to allow access to the site by APC. The Petitioner has agreed not to access the subject property through

- 4-

the community of Lyons Mill and assured Mr. Lichter that there would be no

adverse impact upon his client's property by virtue of the proposed use.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the requested special exception should be granted.

THERFFORE, ! IT IS ORDERED by the Zoning Commissioner for Baltimore County this 01 day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the special exception relief granted in Case No. 93-427-X to permit the addition of this wireless transmitting and receiving facility on the existing tower, in accordance with Petitioner's Exhibit 1A, be and is hereby DISMISSED.

- 5-

Zoning Commissioner for Baltimore County

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Special Hearing have been granted in accordance with the attached Order.

Baltimore County Government

Zoning Commissioner Office of Planning and Zoning

October 27, 1995

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION N/S Lathe Road, E of Watts Road at Dolfield Road

Baltimore County, Maryland - Owners, and

2nd Election District - 3rd Councilmanic District

American PCS, L.P. - Contract Lessee - Petitioners

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Zoning Commissioner for Baltimore County

(410) 887-4386

Suite 112 Courthouse

Towson, MD 21204

400 Washington Avenue

G. Scott Barhight, Esquire

Whiteford, Taylor & Preston

(4613 Lathe Road)

Case No. 96-38-SPHX

Dear Mr. Barhight & Ms. McSherry:

210 W. Pennsylvania Avenue

Towson, Maryland 21204

Christine K. McSherry, Esquire

cc: Mr. Fred Homan, Director, Baltimore County Budget Office Margaret C. Ruggieri, Esquire, American PCS, L.P.

One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. Julius W. Lichter, Esquire, Levin & Gann, 305 W. Chesapeake Ave., Suite 113, Towson, Md. 21204

People's Counsel; Case File

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at _____4613 Lathe Road which is presently zoned _____D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An Amendment to the Special Exception granted in Case No. 93-427-X. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Type or Fried Name) One Democracy Center of 6901 Rockledge Drive Address Bethesda, MD 20817 City State Zecode Signature Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Fried Name) 401 Bosley Avenue Address Towson, MD 21286 City State Content of representative to Signature Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue 10 September 10 Se	Contract Purchasen Lessee:	Legal Owner(s):
One Democracy Center 6901 Rockledge Drive Address Bethesda, MD 20817 City State Zecode Signature Altorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Name) 401 Bosley Avenue Address Towson, MD 21286 City State G. Scott Barhight, Esq. Signature Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue	0 00 1	Baltimore County, Maryland
One Democracy Centers 6901 Rockledge Drive Address Bethesda, MD 20817 City Stain Apode Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Hame) 401 Bosley Avenue Address Towson, MD 21286 City Stain G. Scott Barhight, Esq. Signature Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue 210 W. Pennsylvania Avenue	Marcaret C. Lucius Ismin	701
Bethesda, MD 20817 City State Zocode Signature Attorney for Petitioner: G. Scott Barhight, Esq. Towson, MD 21286 City Sum Name, Address and phore number of representative to Signature Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue Bethesda, MD 20817 Signature Signature G. Scott Barhight, Esq. G. Scott Barhight, Esq. Name 210 W. Pennsylvania Avenue	Ope Democracy Center ⁸ / 6901 Rockledge Drive	のいれりれん おっかめ
Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Friend Name) G. Scott Barhight, Esq. Towson, MD 21286 Uny State Name, Address and phone number of representative to G. Scott Barhight, Esq. G. Scott Barhight, Esq. Name 210 W. Pennsylvania Avenue	, 	(1 yps or PTRE Passe)
G. Scott Barhight, Esq. Towson, MD 21286 City State Name, Address and phone number of representative to G. Scott Barhight, Esq. G. Scott Barhight, Esq. Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue Address Towson, MD 21286 City Name, Address and phone number of representative to G. Scott Barhight, Esq. Harrie 210 W. Pennsylvania Avenue	City State Zocode	Signature
G. Scott Barhight, Esq. Towson, MD 21286 City State Name, Address and phone number of representative to G. Scott Barhight, Esq. G. Scott Barhight, Esq. Herre 210 W. Pennsylvania Avenue	Attorney for Petitioner:	
Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue Comparison Comparison G. Scott Barhight, Esq. Where 210 W. Pennsylvania Avenue		,
Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue G. Scott Barhight, Esq. 210 W. Pennsylvania Av	(i ppe or rise hans)	City SUME Name, Address and phone number of representative to be contr
	Signature Whiteford, Taylor, & Preston	
		Address Towson, MD 21204 832-200

Towson, MD 21204 (410) 832-2000 No REVIEW

nnsylvania Avenue

VWe do solemnly declare and affirm, under the penalties of perjury, that I/we

Petition for Special Exception

	to the Zoning Commis	sioner of Baltimore (County
	for the property located at	4613 Lathe Road	
91	20 CD4V	mhigh is massed to a second	DR 105

which is presently zoned ________________________ 16-28-2548 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

herein described property for Wireless transmitting and receiving facility. Contract lease negotiations are ongoing between Petitioner. American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations rther agree to and

Margaret C. Ruggieri, Esq. for American PCS, L.P.	Legal Owner(s):
American PCS, L.P.	
	Baltimore County, Mary
Marchiet C. Duggeri Smm	
Orle Democracy Center	Signature
6901 Rockledge Drive	Directa of the Budge
Kress	(Type or Print Name)
Bethesda, MD 20817	
y State Zipcode	Signature
corney for Pedisoner:	401 Bosley Avenue
G. Scott Barhight, Esq.	Address Towson, MD 21286
G. Scot Bachlant/Clins	City State Name, Address and phone number of legal owner, contr representative to be contacted.
rausa , .	G. Scott Barhight, Esq.
Whiteford, Taylor, & Preston	Name
210 W. Pennsylvania Avenue	210 W. Pennsylvania Ave
iress Phone No.	Address Towson, MD 21204 83
Towson, MD 21204 (410) 832-2000	OFFICE USE ONLY

DROP-UFF No REVIEW 7/26/95

LES:bjs

DD Printed with Soybean Ink

hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

96-38-SPHX

To Accompany Petition for

Special Exception and Special Hearing

0.77 Acre Parcel

Part of the Lands of Baltimore County 4613 Lathe Road

Second Election District, Baltimore County, Maryland

Beginning for the same at the end of the following course and distance

Daft-MCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, Maryland 21286 Fax 296 4705

A Team of Land Planners. Landscape Architects. Engineers, Surveyor, & Environmental Professionals

DMW

measured from the intersection of the centerline of Dolfield Road with the centerline of Watts Road (1) South 64 degrees 32 minutes 35 seconds East 3029 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 37650 feet, more or less, and west 54695 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running the four following courses and distances, viz; (1) Due East 224.00 feet, (2) Due South 150.00 feet, (3)

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. July 21, 1995

Due West 224.00 feet, (4) Due North 150.00 feet to the point of the beginning;

Project No. 94123.69

containing 0.77 acres of land, more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-38-594X

District	Date of Posting 127795
Posted for:	***************************************
Petitioner: Lasta Co.	
	Lyon M. YIRd du To boilding of o rear
Latherd is not interested with	Lyon M. YIRd due To boilding of orage
Location of Signe Pack (all sign No.	Astal wrong on 8/18-obtain- I sign
on postob on proporty at	HUIZ LOTHERS.
Remarks:	
Posted by Maskaly	Date of return: 9/1/85
Signature Number of Signa:	
number of Signat	

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 96-38 SPHX

,	
District 271	Date of Posting 2/19/95
Posted for: Special Harring	+ Excoption
Petitioner: Bolta Co. Md	,
	Lately - No one completed
Location of Signe Postod of a	nd of Lyon Hoort Pring leading
Remarks:	
Posted by Malesty Signature	Date of return: 7/25/95
Number of Signs:	,

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive weeks, the first publication appearing on due, io. 197.

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

BALTIMORE DUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ITEM #36 Drop-Off; No Review 7/26/95 001-6150 AMOUNT_\$ 620.00 (WCR) American PCS, L.P. #050 - SPECAIL EXCEPTION #040 - SPECIAL HEARING #080 - SIGN POSTING (2) 4613 Lathe Road 01A01R0425MICHRC <u> 24 5000-110401 00.05</u> VALIDATION OR SIGNATURE OF CASHIER DISTRIBUTION
WHITE - CASHER PRIX - AGENCY YELLOW - CUSTOMER

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire Whiteford, Taylor & Preston 210 W. Pennsylviania Avenue Towson, Maryland 21204

> RE: Item No.: 36 Case No.: 96-38-SPHX Petitioner: American Personal Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (687-3391).

W. Carl Richards, Jr. Zoning Supervisor

WCR/jw

Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

My telephone number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-38-SPHX (Item 36) 4613 Lathe Road, 2500° N Wend Lathe Road, 2500° N

Special Hearing to amen

the special exception granted in case #93-427-X. Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

DATE: August 8, 1995

FROM: Pat Keller, Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ITEM26/PZONE/ZAC1

Baltimore County Government

Fire Department

Baltimore County Governmen Department of Permits and Licenses

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Koom 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

W/end Lathe Road, 2500' N of Lyons Mill Road; also 1000' SE of Lakeside Drive

Special Hearing to amend the special exception granted in case #93-427-X.

Special Exception for a wireless transmitting and receiving facility.

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

County, will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

NOTES: (1) ZONING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAFTED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

887-3610

111 West Chesapeake Avenue

CASE NUMBER: 96-38-SPIX (Item 36)

2nd Election District - 3rd Councilmanic

Legal Owner: Baltimore County Maryland

4613 Lathe Road

Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:28,30,31,32,33,34,35(36, 37,38,39.41 AND 42.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Caivert Street • Baltimore, Maryland 21202

cc: File

Printed with Soybean Ink on Recycled Paper

Attachment(s)

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 14, 1995 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Development Plans Review

Zoning Advisory Committee Meeting for August 14, 1995 Items 030, 031, 032, 033, 034, 035, 036, 037, 6 041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Virginia W. Barnhart, County Attorney Office of Law

Arnold Jablon, Director

Permits & Development Management

Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.

A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculaVirginia Barnhart & Arnold Jablon Leasing Tower Sites August 9, 1995 Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc. 7825 Tuckerman Lane Potomac, MD 20854

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

(301) 299-7617

U.S. Towers 5263 Argo Drive Frederick, MD 21701 (301) 874-5885

- The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon Leasing Tower Sites August 9, 1995

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by

4,

c: Merreen E. Kelly W. Michael Pitcher

Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3353 Fax: (410) 887-5708

August 25, 1995

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

RE: Case No. 96-38-SPHX

Dear Mr. Lichter:

I am in receipt of a copy of your letter to Mitchell J. Kellman, dated August 22, 1995, in which you, on behalf of your client, oppose the request for special exception filed in Case No. 96-38-SPHX.

Please be advised that the issue you refer to is not a county issue and the county declines to enter into a debate with you on this point.

I would suggest you contact counsel for the applicant, APC, and enter into a formal discussion on the merits of your argument with counsel.

The case will be heard by the zoning commissioner, and, of course, you will have the opportunity to present your contentions at that time. The issue of access is one that is arguable between parties other than the

c: Merreen E. Kelly G. Scott Barhight Mitchell J. Kellman

Baltimore County Government Office of Zoning Administration and Development Management

August 8, 1995

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

G. Scott Barhight, Esquire Whiteford, Taylor, and Preston 210 West Pennsylvania Avenue Towson, MD 21204

> RE: Preliminary Petition Review (Item #36) Legal Owner: Baltimore County, Maryland 4613 Lathe Road 2nd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are <u>advisory</u> and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The petition filed meets the general checklist requirements; however, Section 502.7.C of the <u>Baltimore County Zoning Regulations</u> has not been addressed. The site is limited to the required 5 acre minimum and setbacks of twice the tower height. Also, the special exception was terminated, yet the site plan shows an existing tower. This should be clarified on the plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Zoning Review

Enclosure (receipt) c: Zoning Commissioner

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION 4613 Lathe Road, N/end Lathe Road, 2500' * N of Lyons Mill Road; also 1000' SE of Lakeside Drive, 2nd Election District, * 3rd Councilmanic Legal Owner: Baltimore County Maryland Lessee: American PCS, L.P. Petitioners * * * * * * * * * * *

final Order.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any prelimirary or

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County Deputy People's Counsel Room 47. Courthouse

ZONING COMMISSIONER

OF BALTIMORE COUNTY

400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this _____ day of August, 1995, a copy

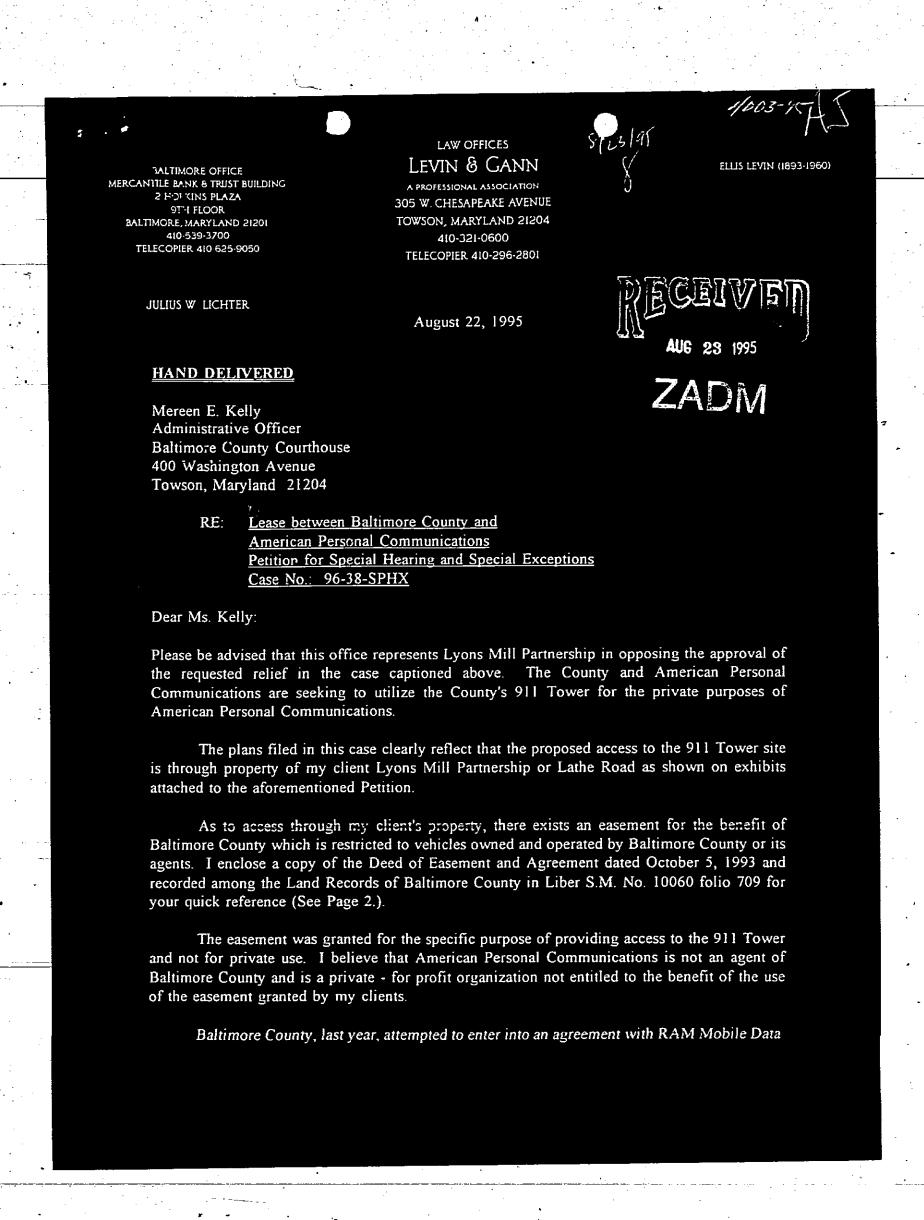
of the foregoing Entry of Appearance was mailed to G. Scott Barhight. Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue,

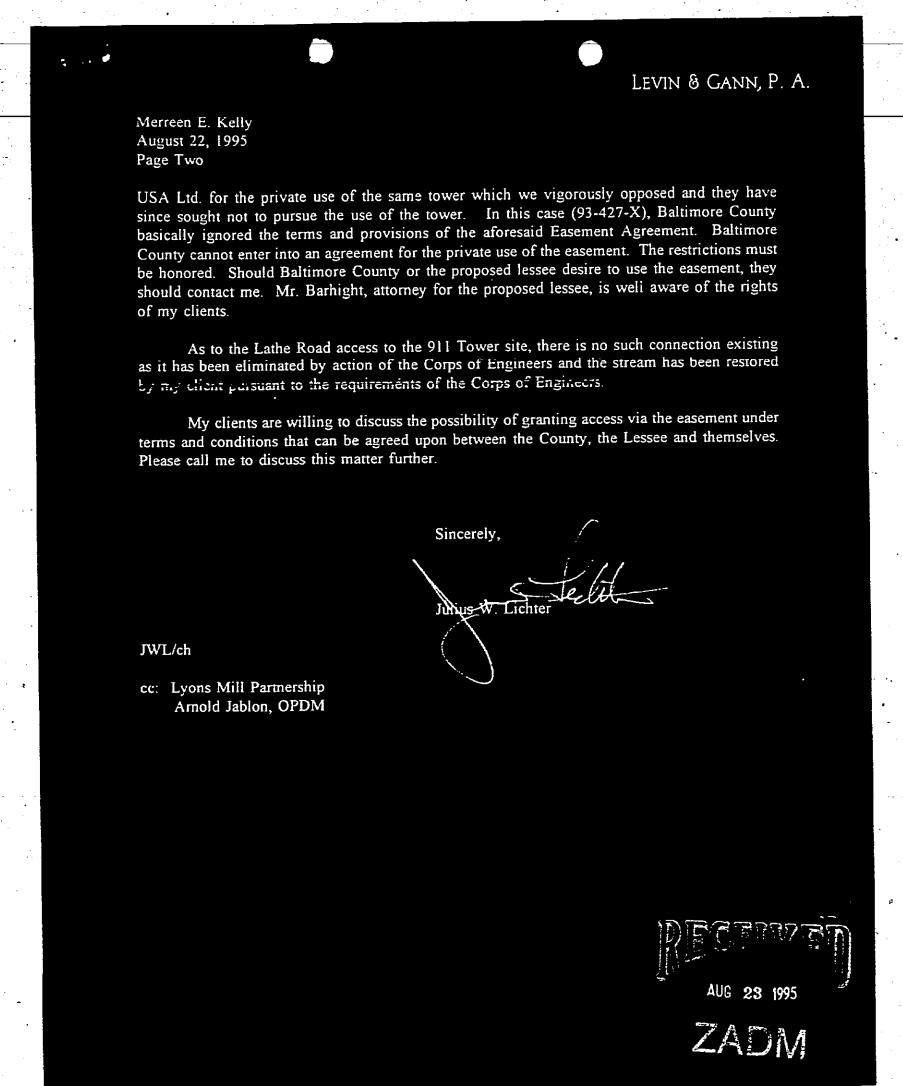
Towson, MD 21204, attorney for Petitioners.

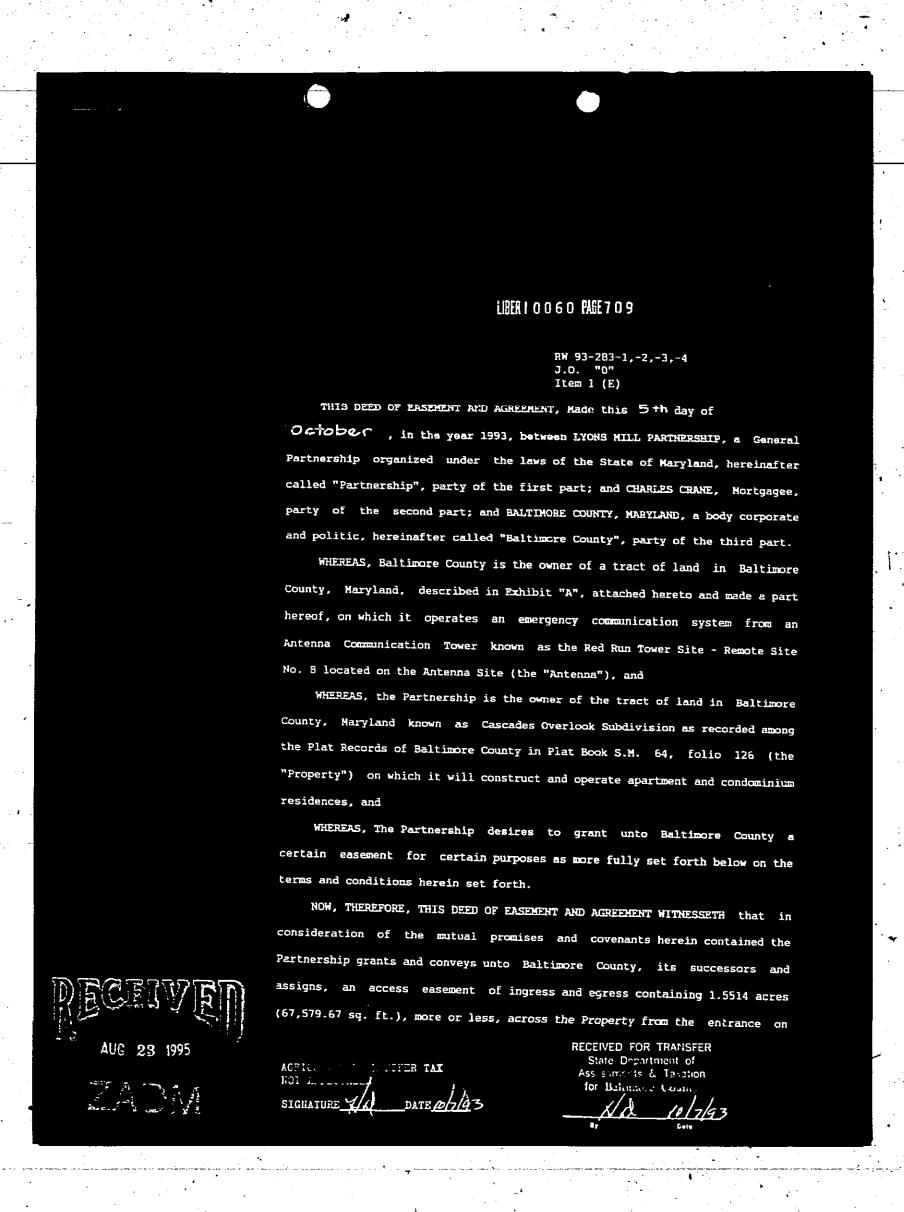
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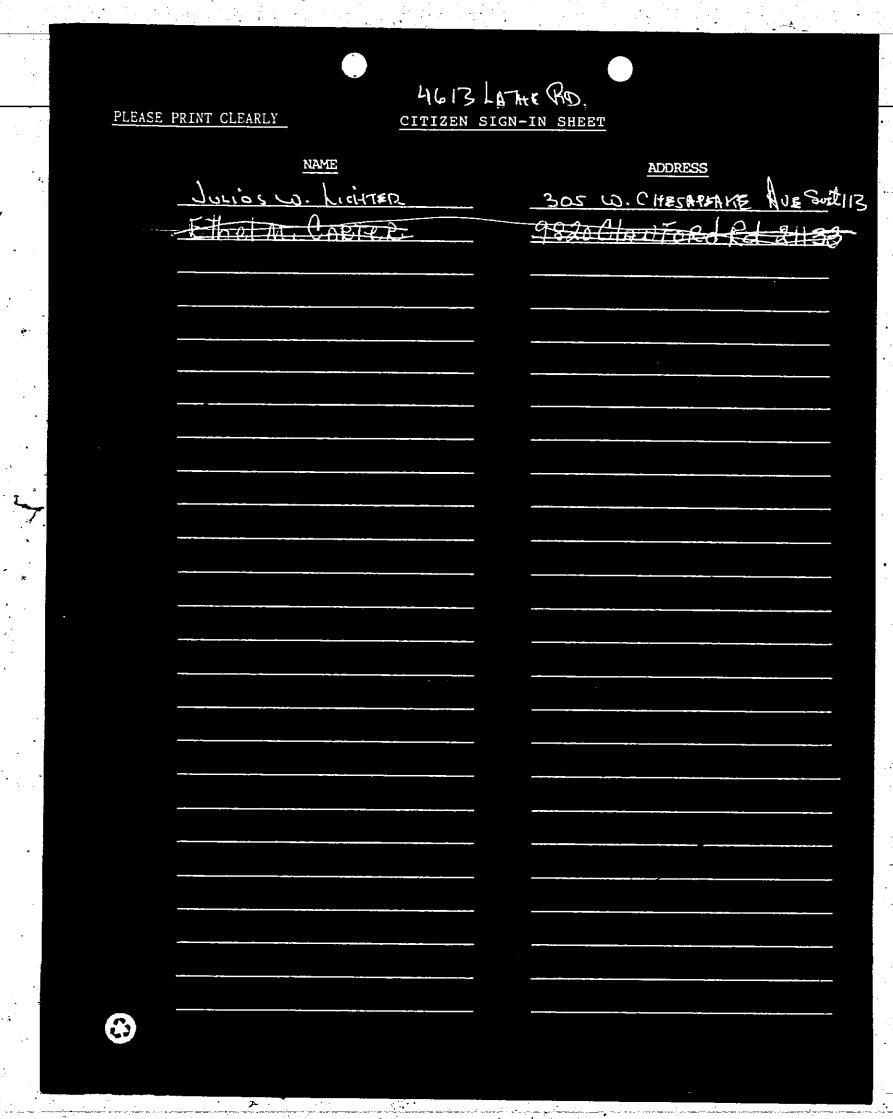
DEPT. OF PERMITS & LICENSES OF BALTIMORE COUNTY

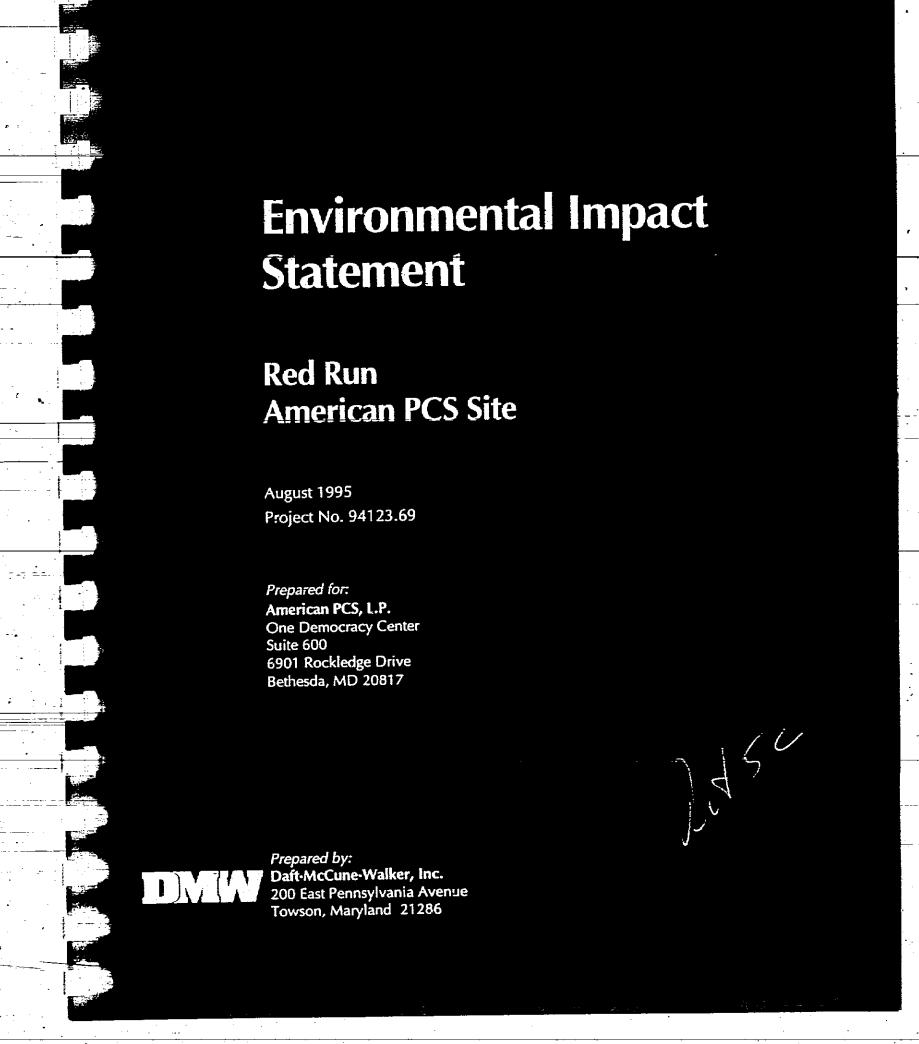
Printed with Soybean Ink
on Recycled Paper

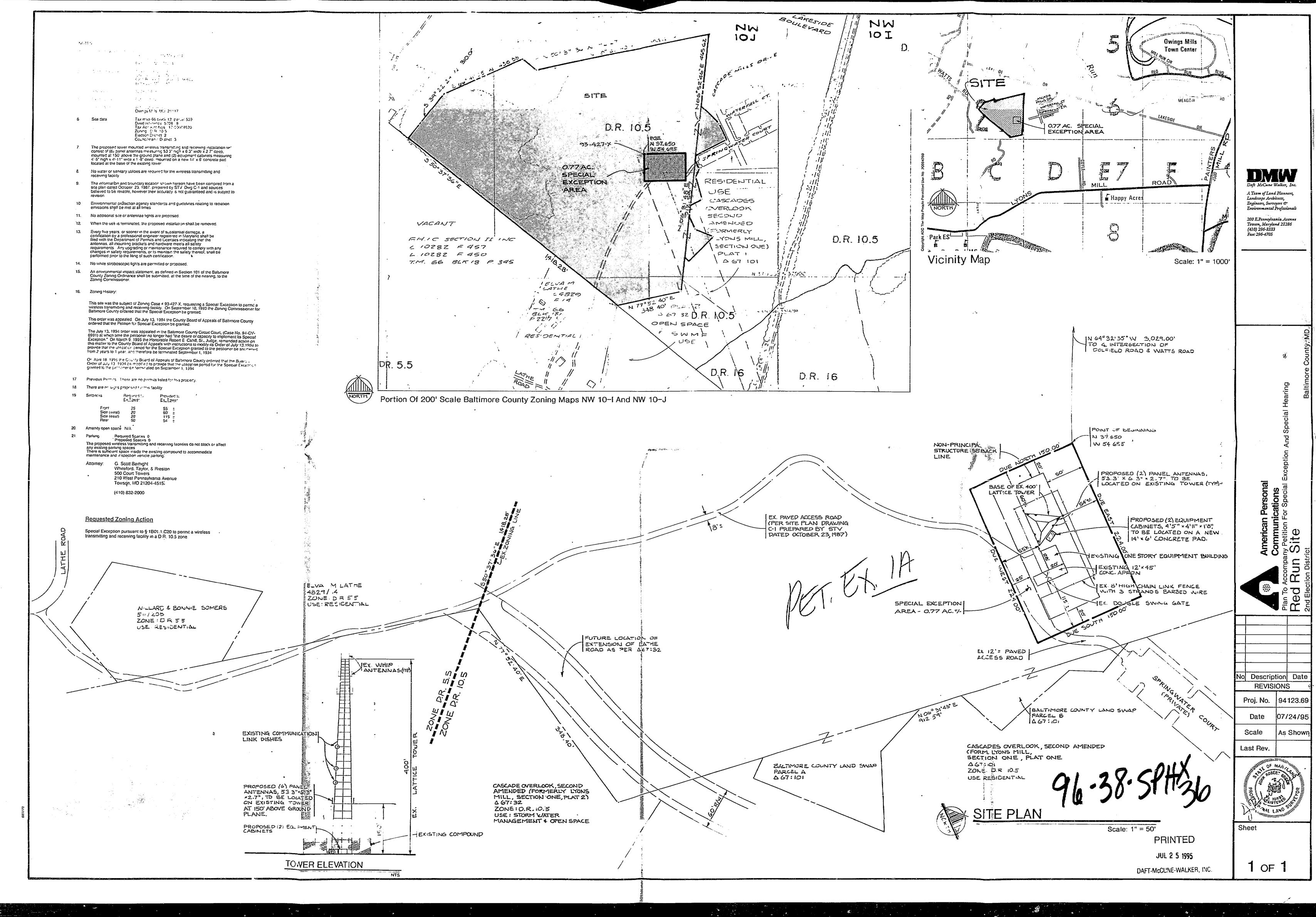












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